IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 33813 of 2006(S)

MC.333/2004 of FAMILY COURT, THIRUVALLA
.....

PETITIONER:

SULAIMAN RAWTHER,
MANAKKULANGARA MELETHIL, MULAKKUZHA MURI,
MULAKKUZHA VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:
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1. **AJEENA, D/O.IBRAHIM RAWTHER,**
   MELETHEKKETHIL VEEDU,
   KOTTANGAL MURI, KOTTANGAL VILLAGE,
   MALLAPPALLY TALUK.

2. **ASHIK (MINOR), AGED 9 YEARS,**
   S/O.AJEENA, RESIDING AT MANAKKULANGARA MELETHIL,
   MULAKKUZHA MURI, MULAKKUZHA VILLAGE,
   CHENGANNUR TALUK, REP. BY GUARDIAN-THE PETITIONER-
   SULAIMAN RAWTHER.

3. **ASHINA (MINOR), AGED 7 YEARS,**
   D/O.AJEENA, RESIDING AT MEKETHEKKETHIL VEEDU,
   KOTTANGAL MURI, KOTTANGAL VILLAGE,
   MALLAPPALLY TALUK, (REP. BY GUARDIAN IST
   RESPONENT-AJEENA.)

BY ADV. SRI.K.P.SREEKUMAR
SRI.R.GIREESH VARMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE ORDER IN M.C.333 OF 2004 ON THE FILE OF THE FAMILY COURT, THIRUVALLA. DTD. 11.5.06.

EXT.P2: COPY OF THE RECEIPTS.

TRUE COPY

P.A.TO JUDGE

J.B.KOSHY & V.GIRI, JJ.

W.P.(C).NO.33813 OF 2006 (S)

Dated this the 8th day of August, 2007

J U D G M E N T

KOSHY,J.

This writ petition is filed to set aside Ext.P1 order of maintenance passed by the Family Court. Statutory remedies were not availed off. But this petition was filed by the father of the husband of the 1st respondent. According to him, his son is in Soudia Arabia. But no power of attorney or even an authorisation by him was filed. Order was passed in May 2006 and writ petition was filed on 18.12.2006. At the time of admission, petitioner was directed to deposit Rs.50,000/- within one month from 19.12.2006. That was not deposited even after more than seven months. Petitioner's son is employed in Soudia Arabia. Maintenance amount of Rs.1,200/- was ordered to the 1st respondent and Rs.800/- each to respondents 2 and 3, who were 10 years and 7 years old. Apart from the fact that writ petition is not maintainable, considering the status of the

petitioner's son and expenses for children's education, we see no ground to interfere in the order on merits also and hence this writ petition is dismissed.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

2nd July, 2007